

**Detailed Action**

***Status of claims***

1. Claims 1-5, 7-10, and 12 are pending.
2. Claims 1-5, 7-10, and 12 have been examined.

***Priority***

3. The application will be examined with an effective filing date of 9/26/03. It is acknowledged that there are certified copies of foreign priority papers. However, there is no certified English translation.
4. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a certified English translation of the foreign application must be submitted in reply to this action. 37 CFR 41.154(b) and 41.202(e).

Failure to provide a certified translation may result in no benefit being accorded for the non-English application.

***Specification***

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
6. For the purposes of examination the phrase "computer-readable recording medium" is interpreted as a medium not including any form of energy or signals.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5, 7-10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 20040098288 by Minakuchi (hereafter Minakuchi) in view of U.S. Patent 6654748 by Rabung et. al. (hereafter Rabung).

**Claim 1:**

Minakuchi discloses “A delivery-information management process for managing information which is to be delivered through a network, by using a computer, comprising the steps of:”

“(a) setting a rule for evaluation of information for an information group” [Minakuchi, 0028, selection set (information group) device may further include evaluation rule setting means for setting evaluation rule (setting a rule for evaluation of information). ];

“classifying said information item having a predetermined attribute into said information group” [Minakuchi, [0430] comparing the selection items, included in the selection set, in terms of the attribute so as to evaluate the selection set.];

“(c) calculating an evaluation value of the information group by applying said rule for evaluation of information to the information item” [Minakuchi, 0485, the detail evaluation result

of the selection set that is calculated by the selection set evaluating means in accordance with the evaluation rule stored in the evaluation rule storing means]; and

“(f) storing the evaluation value in association with the information group” [Minakuchi, 0319, evaluation result storing means for storing the evaluation result].

However Minakuchi does not explicitly disclose

“(b) wherein when said information item is inputted, determining whether or not inconsistency occurs between said information item and at least one other information item which has been already inputted” and

“(d) when said information item is determined as consistent”,

“(c) when said information item is determined as inconsistent, resolving said inconsistency by one of modification of a previously registered information item or reinput of another information item” and “in a database” (in a database is obvious, and Minakuchi further discloses 0013-0016 online sites must utilize a database in order to manage data).

On the other hand, Rabung discloses col. 22 lines 62-64, the server can also evaluate the responses to questions of many clients in order to determine if a particular question is flawed. Accordingly, (b) wherein when said information item is inputted (responses to questions), determining whether or not inconsistency occurs (determine if a particular question is flawed) between said information item (responses to questions) and at least one other information item which has already been inputted (question) is disclosed.

Rabung further discloses col. 22 line 66, flawed question. Accordingly, (d) when said information is determined consistent (not a flawed question) is disclosed.

Rabung further discloses, col. 22 lines 64-67, the server can then send an update to all of the clients in order to replace the flawed question with a new question by placing the new question in its outgoing table. Accordingly, (c) when said information item is determined as inconsistent (flawed question), resolving said inconsistency by one of modification of a previously registered information item or reinput of another information item in combination with deletion of said information item (replace the flawed question with a new question) is disclosed.

Rabung further discloses, col. 2 line 37, a database. Accordingly, a database (database) is disclosed.

Minkuchi and Rabung are systems allowing for exchange of information and evaluation systems. Minkuchi is discloses a system for evaluation for product purchasing, paragraph 11. Rabung discloses an evaluation system as above, and further adds users are able to participate in commerce over networks such as the internet. It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have applied Rabung's disclosure above to the disclosure of Minkuchi for the purpose of allowing a user to update applications without having to overwrite or delete entire previous version of the application and in addition to allow a user to communicate over a network without the need for a constant connection.

**Claim 2:**

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Minakuchi and Rabung discloses “the delivery-information management process according to claim 1”, Minakuchi further discloses “wherein said rule for evaluation of information defines a formula for calculating said evaluation value based on an evaluation point given by an information user who refers to the information item” [Minakuchi, [0443] for each evaluation rule stored in the evaluation rule storing means 3205 is set so that a value of the grade which is the evaluation result derived by the selection set evaluating means 3207 is relatively lower than a maximum value of the grade which is the evaluation result made by the evaluating user. Minakuchi, [0449], a minimum value of the range of the grade which is the evaluation result inputted by the evaluating user is Umin and a maximum value thereof is Umax, and a minimum value of the grade which is the evaluation result, derived by the selection set evaluating means 3207, that is one of the evaluation results stored in the evaluation result storing means 3210, is Rmin and a maximum value thereof is Rmax. At this time, a certain selection set is such that: a value  $P'$ , calculated as  $P' = (P - Rmin) \cdot (Umax - Umin) / (Rmax - Rmin)$  with respect to the grade  $P$  which is the evaluation result derived by the selection set evaluating means 3207, linearly ranges from Umin as the minimum value to Umax as the maximum value.].

**Claim 3:**

Minakuchi and Rabung discloses “the delivery-information management process according to claim 1”, Minakuchi further discloses “wherein said rule for evaluation of information defines a method for calculation of said evaluation value based on statistical information of the information item and an evaluation point given by an information user who refers to the information item” [Minakuchi, [0452], total evaluation result may be derived as follows:

distributions of a grade 3605 is calculated in accordance with a statistical technique, and after excluding a grade 3605 having an idiosyncratic value that should be rejected, the total evaluation result is derived in the foregoing manner. Minakuchi, [0449], a minimum value of the range of the grade which is the evaluation result inputted by the evaluating user is  $U_{min}$  and a maximum value thereof is  $U_{max}$ , and a minimum value of the grade which is the evaluation result, derived by the selection set evaluating means 3207, that is one of the evaluation results stored in the evaluation result storing means 3210, is  $R_{min}$  and a maximum value thereof is  $R_{max}$ .].

**Claim 4:**

Minakuchi and Rabung discloses “the delivery-information management process according to claim 1”, Minakuchi further discloses “wherein every time a new information item is classified into said information group, the evaluation value of said information group is updated based on an evaluation value of the new information item” [Minakuchi, [0452] Further, the total evaluation result may be derived as follows: distributions of a grade is calculated in accordance with a statistical technique, and after excluding a grade having an idiosyncratic value that should be rejected, the total evaluation result is derived in the foregoing manner.].

**Claim 5:**

Minakuchi and Rabung discloses “the delivery-information management process according to claim 1”, Minakuchi further discloses “wherein an evaluation value of an information provider who provides the information item is calculated based on an evaluation value of the information item” [Minakuchi, [0422] The selection set evaluating means 3207 judges whether or not the evaluation rule stored in the evaluation rule storing means 3205 corresponds to the selection set

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that is targeted. When the evaluation rule corresponds to the selection set, the selection set evaluating means 3207 evaluates the selection set in accordance with a calculation result calculated by using the grade 3504, for example, by adding the grades 3504 to each other.].

**Claim 7:**

Minakuchi and Rabung discloses “the delivery-information management process according to claim 1”, Minakuchi further discloses “wherein a template for information to be registered is sent to an information provider of said information item, and information having a form corresponding to the template is received as said information item” [Minakuchi, [0497], an evaluator name input area for inputting a name of the evaluating user, and 4102 is a grade input area for inputting a grade subjectively determined by the evaluating user as the evaluation result of the selection set displayed in the selection set display area 4003, and 4103 is a comment input area for inputting a comment such as a basis for the evaluation result made by the evaluator, and 4104 is a partial evaluation input area for inputting a partial evaluation result which is an evaluation for a part of the selection set, and 4105 is a registration button by which the evaluation results inputted to (a) the evaluator name input area 4101, (b) the grade input area 4102, and (c) the comment input area 4103 are registered so as to be stored in the evaluation result storing means 3210. That is, a template/form for information to be registered. Minakuchi, [0115] Further, in order to achieve the foregoing object, includes: selection set transmission/reception controlling means for (a) receiving the selection set, that has been made by a first terminal operated by the user making the selection set, from the first terminal, and (b) transmitting the selection set to a second terminal operated by an evaluating user; evaluation rule storing means for storing an evaluation rule to evaluate the selection set; selection set evaluating

means for evaluating the selection set, that has been received from the first terminal, in accordance with the evaluation rule stored in the evaluation rule storing means, so as to output an evaluation result; selection set evaluation reception controlling means for controlling reception of an evaluation of the selection set from the second terminal; and total evaluation deriving means for deriving a total evaluation result in accordance with (a) the evaluation result made by the selection set evaluating means and (b) the evaluation received by the selection set evaluation reception controlling means. That is, sending and receiving information.].

**Claim 8:**

Minakuchi and Rabung discloses “the delivery-information management process according to claim 1”, Minakuchi further discloses “wherein said information item is delivered to a terminal used by an information user, in accordance with a rule for delivery of information, where said rule for delivery is associated with the information user” [Minakuchi, [0115] Further, in order to achieve the foregoing object, includes: selection set transmission/reception controlling means for (a) receiving the selection set, that has been made by a first terminal operated by the user making the selection set, from the first terminal, and (b) transmitting the selection set to a second terminal operated by an evaluating user; evaluation rule storing means for storing an evaluation rule to evaluate the selection set; selection set evaluating means for evaluating the selection set, that has been received from the first terminal, in accordance with the evaluation rule stored in the evaluation rule storing means, so as to output an evaluation result; selection set evaluation reception controlling means for controlling reception of an evaluation of the selection set from the second terminal; and total evaluation deriving means for deriving a total evaluation result in



accordance with (a) the evaluation result made by the selection set evaluating means and (b) the evaluation received by the selection set evaluation reception controlling means.].

**Claim 9:**

Minakuchi and Rabung discloses “the delivery-information management process according to claim 1”, Minakuchi further discloses “wherein said rule for evaluation of information is set differently for each of a plurality of evaluation periods” [Minakuchi, [0266] The evaluation rule described above is stored in the evaluation rule storing means 207, but the evaluation rule setting means 208 adds or deletes the evaluation rule as rectification so as to reset the evaluation rule during a process in which the selection set evaluation device of the present invention is operated, so that it is possible to make the evaluation rule converge].

**Claim 10:**

Minkuchi discloses “An information management server for managing information which is to be delivered through a network, comprising:”

“an evaluation-rule setting unit which sets a rule for evaluation of information for an information group”[0028, evaluation rule setting means for setting evaluation rule, wherein the evaluation rule setting means updates the evaluation rule stored in the evaluation rule storing means. 0029, With the foregoing configuration, it is possible to update the evaluation rule by means of the evaluation rule setting means, so that it is possible to add or change the evaluation rule.];

“an information classifying unit which classifies an information item having a predetermined attribute into said information group when said information item having the predetermined attribute is determined as consistent” [[0430] comparing the selection items, included in the selection set, in terms of the attribute so as to evaluate the selection set.];

“an evaluation-value calculation unit which calculates an evaluation value of the information group by applying said rule for evaluation of information to the information item”[0485, the detail evaluation result of the selection set that is calculated by the selection set evaluating means in accordance with the evaluation rule stored in the evaluation rule storing means]; and

“an information storing unit which stores the evaluation value in association with the information group” [0319, evaluation result storing means for storing the evaluation result].

However, Minakuchi does not explicitly disclose “an inconsistency determining unit that determines whether or not an inconsistency occurs between an information item and at least one other information item which has been already inputted when said information item is inputted;” and “when said information item having the predetermined attribute is determined as consistent”, “an inconsistency resolving unit which resolves said inconsistency by one of modifying a previously registered information item or reinputting another information item in combination with deletion of said information item, when said information item having the predetermined

attribute is determined inconsistent “and “in a database” (in a database is obvious, and further discloses 0013-0016 online sites must utilize a database in order to manage data).

On the other hand, Rabung discloses col. 22 lines 62-64, the server can also evaluate the responses to questions of many clients in order to determine if a particular question is flawed. Accordingly, an inconsistency determining unit (server) that determines whether or not an inconsistency (flaw) occurs between an information item (response to questions) and at least one other information item which has been already inputted (question) when said information item is inputted (response to questions) is disclosed.

Rabung further discloses col. 22 lines 61-62, length of time spent on certain questions and col. 22 line 66, flawed question. Accordingly, when said information item having the predetermined attribute (length of time spent on certain questions) is determined as consistent (not a flawed question)

Rabung further discloses, col. 22 lines 64-67, the server can then send an update to all of the clients in order to replace the flawed question with a new question by placing the new question in its outgoing table. Accordingly, an inconsistency resolving unit (server) which resolves said inconsistency (flaw) by one of modifying a previously registered information item or reinputting another information item (new question) in combination with deletion of said information item (replace) when said information item having the predetermined attribute (length

of time spent on certain questions) is determined inconsistent (replace the flawed question with a new question).

Rabung further discloses, col. 2 line 37, a database. Accordingly, a database (database) is disclosed.

Minkuchi and Rabung are inventions allowing for exchange of information and evaluation. Minkuchi discloses a system for evaluation for product purchasing, paragraph 11. Rabung discloses an evaluation system as above, and further adds users are able to participate in commerce over networks such as the internet, col. 2 lines 9-10. It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have applied Rabung's disclosure above to the disclosure of Minkuchi for the purpose of allowing a user to update applications without having to overwrite or delete entire previous version of the application and in addition to allow a user to communicate over a network without the need for a constant connection.

**Claim 12:**

Minakuchi discloses "a computer-readable recording medium which stores a delivery-information management program for managing information which is to be delivered through a network, said delivery-information management program makes a computer perform a processing sequence which comprises the steps of:"

"(a) setting a rule for evaluation of information for an information group"[0028, evaluation rule setting means for setting evaluation rule, wherein the evaluation rule setting

means updates the evaluation rule stored in the evaluation rule storing means. 0029, With the foregoing configuration, it is possible to update the evaluation rule by means of the evaluation rule setting means, so that it is possible to add or change the evaluation rule.];

“(d) classifying said information item having the predetermined attribute into said information group” [[0430] comparing the selection items, included in the selection set, in terms of the attribute so as to evaluate the selection set.];

“(c) calculating an evaluation value of the information group by applying said rule for evaluation of information to the information item”[0485, the detail evaluation result of the selection set that is calculated by the selection set evaluating means in accordance with the evaluation rule stored in the evaluation rule storing means]; and

“(f) storing the evaluation value in association with the information group” [0319, evaluation result storing means for storing the evaluation result].

However Minakuchi does not explicitly disclose “(b) when an information item having a predetermined attribute is inputted, determining whether or not inconsistency occurs between said information item and at least one other information item which has been already inputted;” and “when said information item is determined as consistent”, “(c) when said information item is determined as inconsistent, resolving said inconsistency by one of modification of a previously registered information item or reinput of another information item in combination with deletion

of said information item” and “in a database” (in a database is obvious, and further discloses 0013-0016 online sites must utilize a database in order to manage data).

On the other hand, Rabung discloses col. 22 lines 62-64, the server can also evaluate the responses to questions of many clients in order to determine if a particular question is flawed. Accordingly, (b) when an information item (response to question) having a predetermined attribute (length of time spent on certain questions) is inputted, determining whether or not inconsistency occurs (determine if a particular question is flawed) between said information item (response of questions) and at least one other information item which has been already inputted (question) is disclosed.

Rabung further discloses col. 22 line 66, flawed question. Accordingly, when said information item is determined as consistent (not a flawed question) is disclosed.

Rabung further discloses, col. 22 lines 64-67, the server can then send an update to all of the clients in order to replace the flawed question with a new question by placing the new question in its outgoing table. Accordingly, (c) when said information item is determined as inconsistent (flawed question), resolving said inconsistency by one of modification of a previously registered information item or reinput of another information item in combination with deletion of said information item (replace the flawed question with a new question) is disclosed.

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***Response to Arguments***

9. Applicant's arguments with respect to claim 1-5, 7-10, and 12 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. The prior art made of record listed on PTO-892 and not relied, if any, upon is considered pertinent to applicant's disclosure.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924. The examiner can normally be reached on Monday - Friday 9am - 5:00pm.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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